

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2097 - HB 2397

January 26, 2016

SUMMARY OF BILL: Requires a healthcare provider who has responsibility for the prenatal care of pregnant women during gestation or women who may become pregnant, to inform any patient who is at risk of contracting Cytomegalovirus (CMV) of the possible health complications regarding CMV. Encourages healthcare providers to supply all other patients with information as to where they can learn about CMV. Establishes that this requirement does not create or impose any liability, duty of care, or other legal obligation upon a healthcare provider for failing to comply with this requirement.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- CMV is a virus from the herpes and chickenpox virus family and is a common cause of infection and illness worldwide. It is congenital, or can be spread at birth or be passed from an infected pregnant woman. It is commonly spread through interaction with infected bodily fluids, including blood, saliva, mucus, urine, or breast milk.
- CMV can cause deafness, mental disability, cerebral palsy, visual impairment, seizure disorder, jaundice, hepatitis, low platelet counts, intrauterine growth retardation (poor growth of a baby while in the mother's womb), or microcephaly (small head size).
- Healthcare providers are not legally liable for any failure to disclose information regarding CMV to a pregnant woman who may or may not be at risk of contracting CMV.
- Any increase in complaint investigations as a result of health care providers not meeting the proposed requirements will not be significant and can be accommodated within the existing resources of the Division of Health-Related Boards.
- This legislation does not mandate coverage of CMV-related complications.
- In the instance that a patient, as a result of this legislation and subsequently, a healthcare provider's decision to provide information to the patient on complications regarding CMV, is then tested for CMV and is found to have contracted the virus, insurance plans may or may not be liable for treatment.
- Based on information provided by the Division of Benefits Administration for similar legislation, there are very few cases in which the CMV test would need to be performed; therefore, this will not result in any significant increase in costs to managed-care plans

administered by the Division nor will it necessitate the need to increase any premium amounts paid by plan subscribers.

- Any impact on healthcare plans administered by the Division of Health Care Finance and Administration is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jdb